

ICO Third Party Collaboration Policy



1.	Scope
1.1	This policy applies to all employees of the Information Commissioner's Office. Where the Policy refers to 'the ICO', it refers to the organisation as a whole, the Information Commissioner and individual staff.
1.2	The ICO is bound under the DPA 2018 and UK GDPR to engage in many forms of collaboration. These are not within the scope of this policy. Also, requests for ICO speakers at events are not within the scope of this policy. This policy should only be used in application to collaboration which the ICO is entering into voluntarily, rather than as a requirement of its regulatory role.
2.	Introduction
2.1	This policy provides guidance on how to deal with requests for collaboration with a third party. Third parties are all organisations and individuals outside the ICO. Such involvement by the ICO may give the impression that it endorses the third party. This may, in turn, give the impression that the organisation is a recognised authority on information rights, openness of public bodies or data privacy. The ICO needs to be very careful in managing this perception.
2.2	The key role of the ICO is to "uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals."
2.3	You should bear this role in mind when considering issues in relation to this policy.
3.	Support and Collaboration
3.1	There are many forms of collaboration which the ICO may engage in with third parties. The guiding principle is that any work which the ICO engages in which may potentially give the impression to the public that it in any way endorses a third party should be considered in the light of this policy.
4.	Issues to consider when deciding on collaboration
4.1	The issues to consider when deciding on the ICO's engagement in collaboration with third parties will vary for each request.

4.2	A specific issue which should be considered in every case is whether you are aware that the ICO is engaged in or considering enforcement action against the third party. You are not expected to be aware of all such instances, but where you are aware you should act accordingly: in these circumstances, it will not usually be appropriate for the ICO to collaborate with that third party. However, it may be appropriate if the support is specifically designed to address the cause of the ICO's investigation or enforcement.	
4.3	Consideration should also be given as to whether the third party has paid the Data Protection Fee, if they are required to do so. This should be checked before agreeing to collaborate with a third party.	
4.4	Where we are taking part in collaboration which involves a number of third parties, the considerations set out below should be applied to all organisations involved, not just the organiser.	
4.4	Examples of further potential issues are set out below:	
	Issue	Consideration
	Is the third party a commercial (private sector) or non-commercial (public sector or charity) organisation? Where it is an individual, this should generally be considered a commercial organisation.	It will usually be easier to collaborate with non-commercial third parties, as typically the goals of these third parties is more likely to be aligned with that of the ICO.
	Is the type of collaboration proposed intrinsic to the document/event (e.g. inclusion of the ICO logo on a document or making a key-note speech) or incidental to it (e.g. a request for a comment on a document, or attendance at an event with no set role)?	Where the ICO's support is intrinsic to the document/event, it is reasonable for the ICO to request more control over the final form of the document/event. In many cases (such as the use of the ICO logo on an information booklet) it would be reasonable for the ICO to review the full final text of the report before the logo is provided. There is a significant reputational risk if the ICO lends its voice to inaccurate information.
	What is the reputation of the third party, both generally and particularly in relation to information rights?	It will be easier for the ICO to collaborate with a third party which has a respected reputation either in information rights or their respective field.

	What other third parties are being asked for collaboration?	Related to the above, the perception of other third parties who are involved may create reputational risks. For example, including the ICO's logo in an information booklet alongside that of a third party against whom the ICO is currently considering or engaged in enforcement action.
	What is the audience?	The ICO will be more able to collaborate with third parties if the audience of the work is focused around promoting information rights.
	Will the publicity from a proposed collaboration promote the ICO's priorities?	Collaboration will be more beneficial when it ensures that an audience is talking about an issue which the ICO wishes to promote.
	Is the involvement requested of the ICO relevant to the ICO's role? Does it give the impression that the ICO has a role that it does, in fact, not?	The ICO should be careful not to overstep its role. There may be other organisations who are more appropriately placed to provide the collaboration requested. If you have any concerns about whether any collaboration may be beyond the natural borders of the ICO's work, you should consult with a Head of Department.
4.5	This list of potential issues and considerations is not intended to be exhaustive. You will need to use your own judgement to identify the potential issues you will need to consider and the implications of those issues. You may wish to consult with a range of colleagues to identify these issues, particularly Corporate Communications and Private Office.	
4.6	You should take a risk-based approach to considering whether to engage with a third party. In some instances, it may be worth taking risks, in others it may not. You should take direction from the organisation's Risk Appetite statement, as set out within the Risk Register.	
5.	Making decisions	

5.1	When making decisions regarding collaboration with third parties, it may be helpful to complete the form at Annex 1 of this policy. This is not a requirement. However, if you do not complete the form, you should still at least review it so that you are aware of the potential issues which you will need to consider.
5.2	The form at Annex 1 includes consulting with peers within the organisation. This could be with a peer at a similar level as you or someone in your line management chain. The role of the peer review process is to ensure that you have considered all aspects of the proposed decision and provide an independent assessment of whether this is a reasonable decision.
5.3	You will always remain the decision maker. However, once you have made the decision, if you have completed the form, this should be sent to Corporate Governance for storage.
6.	Responsibilities
6.1	All staff are responsible for ensuring that due consideration is given to the issues set out within this policy.
6.2	Corporate Governance is responsible for ensuring that this policy remains appropriate and up to date.

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Version	Changes made	Date	Made By
V1.2	Added document control panel. Explained that speaker requests are out of scope. Amended consultation to peer or line management chain.	September 2021	Chris Braithwaite

Annex 1 – Third Party Collaboration Policy – decision-making form

<u>Summary information</u>	
Decision maker	[Put your name and title here]
Name of organisation involved	[Put the name of the organisation(s) who have requested ICO collaboration here]
Nature of collaboration requested	[Provide a summary of the collaboration requested here. This should be enough detail to give the independent peer sufficient knowledge to assess the proposal.]
<u>Information about the organisation</u>	
Type of organisation	[Consider the type of organisation – history, role, industry, their public communications etc. You should also consider the type of organisation: commercial organisation, public sector, trade body, industry group, charity and how they operate. Generally speaking, it will usually be easier to approve collaboration with non-commercial third parties. Where the collaboration is with an individual you should usually assumed that this is a commercial enterprise, unless there is strong evidence otherwise. Where the collaboration is with a group of mixed public and private-sector organisations (e.g. an advisory board), you can usually consider this as a public sector organisation]
Overall reputation	[Consider a summary of the overall reputation of the organisation, and the risks and benefits of collaboration with them as a result of this reputation. This will usually build on the row above.]
Information rights reputation	[Consider a summary of the reputation of the organisation <u>specifically in relation to information rights</u> , and the risks and benefits of collaboration with them as a result of this reputation.]
Data protection fee	[Has the organisation paid the data protection fee – yes or no (or exempt). You will need to consult with the Data Protection Fees Group to confirm this. If the answer is no, you should explain to the organisation that we would not usually collaborate until they have paid the data protection fee.]

ICO enforcement or investigations	[Is there any ICO enforcement action or investigation against the organisation in question? If yes, you will need some details. This could include recent past enforcement action, ongoing investigations, or investigations currently being considered. You will need to check with the Private Office of the Chief Regulatory Officer to confirm this. In most cases, if there has been recent enforcement action or investigation, it will be difficult to collaborate with them, although there may be circumstances where exceptions can be made.]
Relationship management service level	[What level is the organisation in the relationship management service? You can check with this service to confirm what level the organisation in question is. In some circumstances, the organisation itself may be outside the relationship management service levels, but organisations within the audience for the collaboration are.]
<u>Risk and benefits of collaboration</u>	
Purpose of collaboration	[Why does the organisation want to collaborate with the ICO? Why would the ICO want to collaborate with the organisation?]
Audience	[What is the target audience for the collaboration? What are the risks and benefits of using this collaboration to engage with this audience? This is likely to involve considering what other engagement the ICO is doing with this sort of audience. You may need to consult with Corporate Communications to get information of this.]
Benefits to the ICO	[How will the collaboration contribute to the ICO's work (such as contributions towards completing goals in the IRSP or various supporting strategies)? It will be easier to justify devoting resources to collaboration, or take risks in this area, if the collaboration will contribute to key areas of the ICO's work.]
Degree of control	How much control the ICO will have over the collaboration? What are the risks or benefits of this? Generally speaking, where the ICO has more control over the event or product (such as ability to review and approve any final documents) it will be easier to agree to collaborate)]

ICO remit	[Is the collaboration within the ICO's regulatory remit? It will be easier to collaborate in areas where the ICO is clearly the sole regulator for that space. There may be times where the ICO is asked to collaborate in areas which, while within the ICO's remit, may also overlap on to the remit of other regulators (e.g. use of personal data in elections). In these instances you may need to consider the risks and benefits of such collaboration, including whether greater benefits could be gained by involving the relevant regulator/organisation in the collaboration.]
Other third parties likely to be engaged at outset or in future	[If there are other third parties involved beyond the one you are directly being asked to collaborate with, you should also consider the impact of potentially being seen to collaborate with them. For example, if the collaboration is to provide use of the ICO logo, how will this look alongside logos of other companies endorsing the product/event. Or if we sit on an advisory board, who are the other members and what are the potential issues?]
Resourcing requirements	[What are the resourcing requirements to take part in the collaboration? This should include financial considerations and staffing resources, but there may be a range of other relevant areas. This is also an opportunity to consider any work which would need to be stood down or delayed as a result of the resource implications of this collaboration.]
Summary of other risks	[Any other risks of doing the collaboration which has not been drawn out so far within this form]
Summary of other benefits	[Any other benefits of doing the collaboration which has not been drawn out so far within this form]
<u>Recommendation</u>	
Recommendation of decision maker	[Your recommendation of whether we should take part in the collaboration, and the key reasons for and against.]
<u>Peer review</u>	
Independent peer reviewer(s)	[Put the name and job titles of the people who are asked to peer review this proposed collaboration. In the first instance, this should be a person who is at the same grade as you, independent from the area of work in which the collaboration is requested, but able to make a reasonable assessment of the pros and cons of the proposed collaboration. Where this is below Head of Department level, you may also wish to consult with a Head of Department (this could be your own Department Head).]

Peer reviewer findings	[The independent peer reviewer(s) can put any findings or thoughts about the potential collaboration here.]
Peer reviewer recommendation	[The independent peer reviewer(s) can put their recommendation here. This would usually be either "proceed" or "do not proceed", but there may be times when something more nuanced is needed – e.g. proceed subject to some limitations]
<u>Decision-making</u>	
Decision	[The decision maker can consider the recommendation of the peer review and confirm their decision here.]
Date of decision	[The date the decision has been made.]
Date sent to Corporate Governance	[The date this form was sent to Corporate Governance.]